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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/759,244	01/20/2004	Sam T. Lindholm	032469-007

CONFIRMATION NO. 7086

21839
BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

FORMALITIES LETTER



OC000000013801515

Date Mailed: 09/14/2004

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The specification is missing.
A complete specification as prescribed by 35 U.S.C. 112 is required.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

Hayes
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Patent
Attorney's Docket No. 032469-007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of) MAIL STOP MISSING PARTS
Sam T. LINDHOLM et al.)
Application No.: 10/759,244) Group Art Unit: Unassigned
Filed: January 20, 2004) Examiner: Unassigned
For: OSTEOGENIC DEVICE AND A) Confirmation No.: 7086
METHOD FOR PREPARING THE)
DEVICE)

RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice of Incomplete Provisional Application ("Notice"), mail dated September 14, 2004, was issued by the U.S. Patent and Trademark Office, asserting that the captioned non-provisional application did not contain the Specification.

To this end, Applicants submit that the complete application, including the specification, was filed on January 20, 2004. The captioned application is a divisional of U.S. Application No. 09/125,963, filed on November 24, 1998. On January 20, 2004, along with a Preliminary Amendment, copy of the executed Small Entity Declaration, Declaration/Power of Attorney; Notice of Recordation of Assignment Document; International Search Report; Form PCT/IB/301; Form PCT/RO/101; Form PCT/IPEA/401; Form PCT/IPEA/409; and Form PCT/IB/306 from the parent application, the application was filed with specification and claims. Applicants again submit a complete copy of the Specification as well as a copy of the

Response To Notice Of Incomplete Nonprovisional Application

Application No. 10/759,244

Attorney's Docket No. 032469-007

Page 2

PTO date-stamped postcard from January 20, 2004, indicating that the U.S. Patent and Trademark Office did in fact receive the complete 52 page specification on January 20, 2004.

Therefore, Applicants believe the application is complete and request issuance of an Official Filing Receipt indicating the proper filing date of January 20, 2004. Further, as the specification and complete application were in fact filed properly on January 20, 2004, Applicants submit that a newly executed Declaration covering the specification is not required.

Applicants also believe that a fee is not required for this submission, however, in the event a fee is necessary the Commissioner is hereby authorized to charge Deposit Account No. 02-4800, such fee.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: October 29, 2004

By: 
Deborah H. Yellin
Registration No. 45,904

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Alexandria, Virginia 22313-1404
(703) 836-6620

VA 392583.1

Inventor: Sam T. LINDHOLM et al.

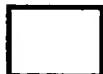
Appln. No. Unassigned (Divl of 09/125,963)

Docket No.: 032469-007)

Work. Atty. TSR/DHY:eks

Date: January 20, 2004

Title: OSTEOGENIC DEVICE AND A METHOD FOR PREPARING THE DEVICE



The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

Utility Patent Application Transmittal
 Design Patent Application Transmittal
 Continuing Prosecution Application Request
 Provisional Application Cover Sheet
 Provisional Application Transmittal
 Continuation/Divisional Application (Rule 1.53(b)) with copy of application
 Request for Continued Examination

INCLUDING:

Specification (pages 1 - 52)
 Claims (claim(s) 1 - 15, 3 pgs.)
 Drawings (Fig(s). 1 - 3, 3 pgs.)
 Abstract of the Disclosure

Executed Declaration/Power of Attorney
 Unexecuted Declaration/Power of Attorney
 Assignment/Assignment Recordation Form Cover Sheet (PTO-1595)
 Submission of Certified Copy of Priority Document w/_ certified copy(s)
 Preliminary Amendment
 Information Discl. Statement Transmittal Letter
 Information Disclosure Citation (PTO-1449)
 Information Disclosure Statement w/_ document(s)
 Petition for _ Month Extension of Time
 General Authorization for Petitions for Extensions of Time and Payment of Fees
 Patent Application Data Sheet

O I P E S C I T Y
P A T E N T & T R A D E M A R K O F F I C E

15535 U.S. PTO
10/759244

(10/03)



012004

Inventor: Sam T. LINDHOLM et al.

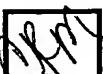
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Executed Declaration/Power of Attorney
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 Submission of Certified Copy of Priority Document w/_ certified copy(s)
 Preliminary Amendment
 Information Discl. Statement Transmittal Letter
 Information Disclosure Citation (PTO-1449)
 Information Disclosure Statement w/_ document(s)
 Petition for _ Month Extension of Time
 General Authorization for Petitions for Extensions of Time and Payment of Fees
 Patent Application Data Sheet

O I P E S C I T Y
P A T E N T & T R A D E M A R K O F F I C E



(10/03)

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